

IT IS ORDERED

Date Entered on Docket: August 20, 2021



**The Honorable David T. Thuma
United States Bankruptcy Judge**

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO

In re: Thomas Francis Young, xxx-xx-8905, and
Consuelo Angelina Young, xxx-xx-5230

Debtors.

No. 20-11844-ts7

**STIPULATED ORDER GOVERNING PRODUCTION OF DOCUMENTS
FOR CHAPTER 7 TRUSTEE AND UNITED STATES TRUSTEE**

THIS MATTER comes before the Court on stipulation of the Debtors, the United States Trustee, and the Chapter 7 Trustee in relation to certain document-production requirements of the Debtors as described below. The Court, being sufficiently advised in the premises, finds as follows:

1. On April 8, 2021, the Subchapter V trustee in Debtors' case, then proceeding under chapter 11, filed a motion for turnover and accounting (the "Motion for Turnover and Accounting"). Doc. 185.
2. On April 22, 2021, the United States Trustee filed its Motion for Rule 2004 Examination (the "UST Motion for 2004 Exam"), in which it requested that the Court order the Debtors to both submit to oral examination and produce certain documents. Doc. 200.

3. Debtors filed a limited objection to the UST Motion for Rule 2004 Exam on May 13, 2021. Doc. 220.

4. Debtors' case was converted to chapter 7 on June 4, 2021, Doc. 234, and the chapter 7 trustee subsequently adopted the Motion for Turnover and Accounting.

5. At a preliminary hearing on the Motion for Turnover and Accounting held on July 12, 2021, the Debtors agreed to produce an accounting.

6. Following the preliminary hearing on the Motion for Turnover and Accounting, Debtors requested until August 6, 2021 to create the requested accounting and produce documents requested by the chapter 7 trustee.

7. Debtors also agreed to a stipulated order "on" the UST Motion for Rule 2004 Exam (the "Stipulated Order"), Doc. 274, which was entered July 16, 2021. While the Stipulated Order directed the Debtors to produce certain documents to the United States Trustee ("UST") by July 21, 2021, *id.* at p. 2, the UST subsequently agreed to extend this production deadline to July 28, 2021. Debtors requested a further extension of this deadline, and the UST asked that documents be produced by August 3, 2021.

8. On the night of August 2-3, 2021, the Joint Debtor broke her leg in multiple places. Since that time, she has been either hospitalized or medicated with prescription painkillers, or both. The Joint Debtor underwent surgery scheduled for August 13, 2021, and as of the submission of this order, is waiting for medical professionals to determine whether an additional surgery is needed.

9. On August 11, 2021, the Court entered the Order Resulting from Preliminary Hearing on Trustee's Motion for Turnover and Accounting (the "Turnover and Accounting Order"). Doc. 301.

10. Based on the foregoing events, it is appropriate to adjust certain deadlines in the Stipulated Order and the Turnover and Accounting Order as set forth herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. The deadlines given in paragraphs 2, 3, 4, 5, 6, 7, 8, and 9 of the Turnover and Accounting Order, Doc. 301, are hereby changed from August 6, 2021 to September 15, 2021.

B. On or before September 15, 2021, Debtors shall produce to the Trustee copies of the titles for both scheduled vehicles, as well as copies of any documents which support the scheduled secured claim of the Small Business Administration, to the extent such documents are in the Debtors' and Debtors' agents' possession, custody, care or control.

C. On or before September 30, 2021, Debtors shall file a completed chapter 7 means test calculation on the official form.

D. On or before September 15, 2021, Debtors shall produce to the UST those documents identified in the UST Motion for 2004 Exam, and this deadline shall supersede that given in the Stipulated Order.

E. The parties will consult to schedule Connie Young's oral examination on or before October 5, 2021.

F. This Order is without prejudice to Debtors' ability to seek a further enlargement of the deadlines set forth herein, although this reservation shall not imply that such a request shall be granted.

###END OF ORDER###

Submitted by:

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Electronically submitted on 8/16/2021

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